

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

SANDRA JIMENEZ,

Plaintiff,

v.

TEUFEL NURSERY OF WASHINGTON  
INC., et al.,

Defendants.

CASE NO. C25-0636-KKE

ORDER DISMISSING DEFENDANT  
TEUFEL NURSERY OF WASHINGTON,  
INC.

This matter comes before the Court on Defendant Teufel Nursery of Washington, Inc.’s (“TNW”) motion to dismiss all claims against it because it “has no connection to the Plaintiff or the case.” Dkt. No. 15. Plaintiff, proceeding *pro se*, did not respond or oppose the motion.

Defendants removed this case from King County Superior Court under 28 U.S.C. §§ 1331, 1332, 1441, 1446, 1367. *See* Dkt. Nos. 1, 1-1.

In this district, “if a party fails to file papers in opposition to a motion, such failure may be considered by the court as an admission that the motion has merit.” Local Rules W.D. Wash. LCR 7(b)(2). The Ninth Circuit has affirmed dismissal of a *pro se* plaintiff’s case for failure to respond to a motion to dismiss, consistent with a local rule. *See, e.g., Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). “Before dismissing the action, the district court is required to weigh several factors: ‘(1) the public’s interest in expeditious resolution of litigation; (2) the court’s need to manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy favoring

1 disposition of cases [on] their merits; and (5) the availability of less drastic sanctions.” *Id.*  
2 (quoting *Henderson v. Duncan*, 779 F.2d 1421, 1423 (9th Cir. 1986).

3 The public’s interest in expeditious resolution, the Court’s need to manage its docket, and  
4 the risk of prejudice to TNW all weigh in favor of dismissal here. The public policy favoring  
5 disposal of cases on their merits also favors dismissal because the parties appear to agree that TNW  
6 should be dismissed from this case (Dkt. No. 23 at 2) and Plaintiff can still proceed against the  
7 remaining defendants. Lastly, the least drastic sanction available is to dismiss TNW without  
8 prejudice. All factors favor granting TNW’s motion to dismiss.

9 In conclusion, the Court GRANTS the motion to dismiss and dismisses Defendant TNW  
10 without prejudice. Dkt. No. 15.

11 Dated this 28th day of May, 2025.

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14 Kimberly K. Evanson  
15 United States District Judge  
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